

Notice of Allowability

Application No.

10/057,313

Applicant(s)

SCHUMAN, MICHAEL

Examiner

Art Unit

Fadi H. Dahbour

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after-final amendment filed 01/03/05 which has been entered by the Examiner.
2. ☒ The allowed claim(s) is/are 1,3,5-8,10,12-15,18-24 and 26-29.
3. ☒ The drawings filed on 12 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


Fadi H. Dahbour
Examiner
Art Unit 3743

DETAILED ACTION

Allowable Subject Matter

1. Examiner acknowledges Applicant's submission of the after-final amendment filed 01/03/05, which has been entered by the Examiner. The allowed claims are 1, 3, 5-8, 10, 12-15, 18-24, 26-29.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or fairly suggest the recitations of the specific features of the arm brace and method, of claims 1, 10, 15, 24 and 29, including especially the following:

The primary reason for the allowance of independent claim 1, is the inclusion of the first elongated support member terminating distally near the wrist portion, and the third elongated support member secured to the posterior surface of the sleeve and extending distally from the first member near the wrist portion of the sleeve and terminating near the distal end of the sleeve.

The primary reason for the allowance of independent claim 10, is the inclusion of the first elongated support member terminating distally near the wrist portion, and the third elongated support member secured to the posterior surface of the sleeve and extending distally from the first member near the wrist portion of the sleeve and terminating near the distal end of the sleeve.

The primary reason for the allowance of independent claim 15, is the inclusion of the first elongated support member terminating distally near the wrist portion, and the third elongated support member secured to the posterior surface of the sleeve and extending distally from the first member near the wrist portion of the sleeve and terminating near the distal end of the sleeve.

The primary reason for the allowance of independent claim 24, is the inclusion of the first elongated support member terminating distally near the wrist portion, and the third elongated support member secured to the posterior surface of the sleeve and extending distally from the first member near the wrist portion of the sleeve and terminating near the distal end of the sleeve.

Art Unit: 3743

The primary reason for the allowance of independent claim 29, is the inclusion of the elbow shield secured to the posterior surface of the sleeve near the proximal end of the sleeve, claimed in combination with the brace's wrist portion, hand portion, openings, first elongated support member, and second elongated member.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 571-272-4792. The examiner can normally be reached on M-F, 9am-5:30pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fadi H. Dahbour
Examiner
Art Unit 3743